

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	S-2 17 Cr. 548 (PAC)
-v-	:	<u>ORDER</u>
JOSHUA ADAM SCHULTE,	:	
Defendant.	:	

X

HONORABLE PAUL A. CROTTY, United States District Judge:

This order addresses two motions filed on January 30 and January 31, 2020 respectively.

First, on January 30, 2020, the defendant filed a motion to preclude a demonstrative exhibit to be used during the testimony of Paul Rosenzweig, an expert on WikiLeaks. (Dkt. 290.) The motion is denied. The Court adopts the Government's proposed modifications to the demonstrative exhibit, as set forth in the Government's letter dated January 31, 2020. (See Dkt. 291.) As per the Court's Order on the *motion in limine*, the Court will provide a limiting instruction to the jury. (See Dkt. 256.)

Second, in connection with the Classified Information Procedures Act ("CIPA") Section 6(c) proceedings, the Government seeks to introduce certain exhibits into evidence without altering the classification status pursuant to Section 8(a) of the CIPA. 18 U.S.C. App. III, at § 8(a). The Court ordered the Government to address the factors in *Waller v. Georgia*, 467 U.S. 39, 44 (1984). (See Dkt. 294.) The Government submitted a classified motion on January 31, 2020 addressing the *Waller* factors.

The Court grants the Government's motion to introduce the WikiLeaks leak exhibit and log files as classified exhibits. Section 8(a) of the CIPA permits the Government to introduce an

exhibit without altering its classification status. 18 U.S.C. App. III, at § 8(a). An opinion addressing *Waller* will follow.

CONCLUSION

Accordingly, the Defendant's motion is denied. The Government's classified motion is granted. The Clerk of the Court is directed to terminate the motion at Docket 290.

Dated: New York, New York
February 3, 2020

SO ORDERED



PAUL A. CROTTY
United States District Judge